

referred to in the MPEP as an example of functional language that complies with 35 U.S.C. § 112, 2<sup>nd</sup> paragraph. (See also In re Land, 151 USPQ 621, 635-6 (CCPA 1966)). Although the §112, 2<sup>nd</sup> paragraph rejection is improper, Applicant has amended claims 18, 35, 66, and 74 to remove the "adapted to" language, resulting in no change in the scope of the claims. Accordingly, the §112, 2<sup>nd</sup> paragraph rejection is obviated.

## II. The Claims Define Patentable Subject Matter

Item 3 of the Office Action rejects claims 1-18, 21-35, 38-54 and 57-80 under 35 U.S.C. § 103 over U.S. Patent 6,039,356 to Warther et al. in view of U.S. Patent 6,036,099 to Leighton. Item 4 of the Office Action rejects claims 19, 20, 36, 37, 55 and 56 under 35 U.S.C. § 103 over Warther, Leighton and U.S. Patent 6,328,341 to Klure. The rejections are respectfully traversed.

Applicant respectfully submits that the applied references do not teach or suggest all of the features of claims 1, 28, 57, 78 and 79. For example, claim 1 recites that the transaction card meets ANSI and ISO specifications for edge roughness when separated from the at least one auxiliary member without use of a tool. Claim 28 recites that the transaction card meets ANSI and ISO specifications for edge roughness for a transaction card after being separated from the at least one auxiliary member. Claim 57 recites a step of providing a line of weakness between the transaction card and the auxiliary members so that the transaction card meets ANSI and ISO specifications for edge smoothness after being separated without tools from the auxiliary member. Similarly, claim 78 recites the transaction cards are separable from each other without tools and meet ANSI and ISO specifications for edge smoothness after separation and claim 79 recites that the transaction card portion meets ANSI and ISO transaction card specifications for edge smoothness after being separated from the auxiliary portion without tools.

None of the applied references disclose an arrangement in which a transaction card and an auxiliary member joined in an edge-to-edge fashion may be separated from each other without tools such that the transaction card meets ANSI and ISO specifications for edge roughness after separation. Although Leighton discloses manufacturing a transaction card to meet ANSI and ISO specifications, Leighton does not indicate that the card is made to meet such specifications for edge roughness. Moreover, Leighton does disclose a transaction card joined to an auxiliary portion in an edge-to-edge fashion. Thus, although Leighton discloses transaction cards that

meet ANSI and ISO specifications for thickness and surface smoothness suitable for dye sublimation printing, Leighton does not suggest that cards should be made to meet ANSI and ISO specifications for edge roughness. Warther discloses a transaction card joined to an auxiliary portion, but in no way discloses that the transaction card meets any specifications for edge roughness after separation from the auxiliary portion. In fact, the types of scoring disclosed in Warther, e.g., at col. 7, lines 61-63, are not disclosed to be suitable for allowing separation such that the transaction card would meet specifications for edge roughness. Accordingly, neither Leighton nor Warther disclose manufacturing any card to meet ANSI and ISO specifications for edge roughness, much less a card that would meet such specifications after tool-free separation from an auxiliary member. Accordingly claims 1, 28, 57, 78 and 79 and claims 2-14, 16-27, 28, 31-53, 59-77 and 80 which depend from these independent claims, are allowable. Withdrawal of the §103 rejection is respectfully requested.

### CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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